



Staff Report BZA16-006-VA

New Hope Christian Church: Accessory Structure Height Variance

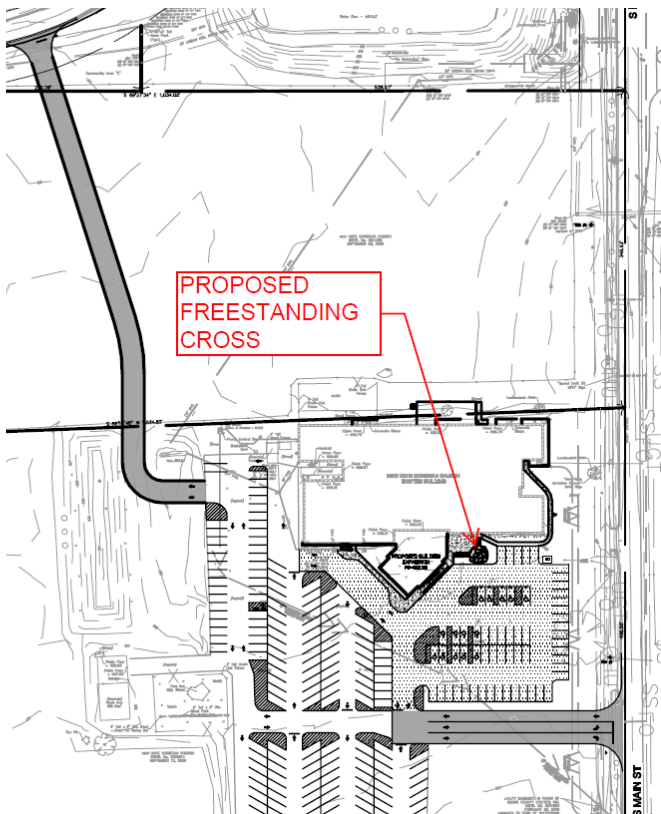
Docket BZA16-006-VA New Hope Church. The petitioner is requesting approval of a Variance of structure height standards for the purpose of allowing a free-standing 50-foot tall cross immediately adjacent to the new entryway. The subject property is zoned R-1 Low- Density Single-Family Residential and is located at 5780 S Main Street. The petitioner and owner is New Hope Christian Church.

History

New Hope Christian Church received a 5-0 Plan Commission approval of their current expansion project at their 3/14/2016 meeting, with a condition that the 60' accessory structure cross be seen separately as a design variance. The expansion project includes updating the existing building's entrance, enhancing the parking availability, and providing an access drive to the existing Clark Meadows Neighborhoods.



New Hope Christian Church is surrounded by the Anson I-65 PUD. This property is separate from the PUD and is currently zoned R-1. See the site plan and location of structure below:



Site Location and Proposed Development

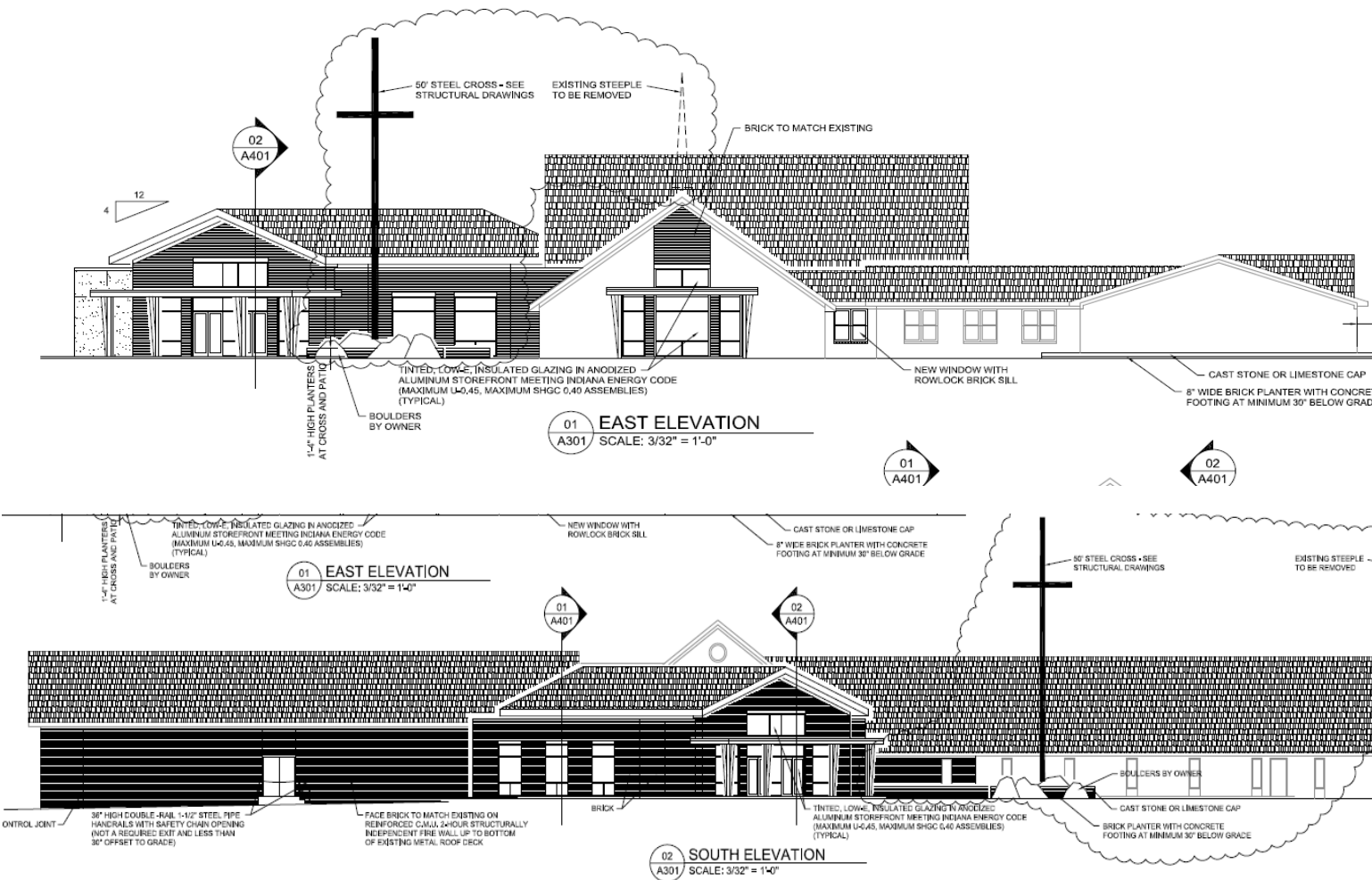
The proposed site is currently zoned R-1 Low-Density Single-Family Residential and limits accessory structures to 25-ft. The petitioner is requesting a variance to allow an accessory structure to be 50-ft tall.

The existing rooftop steeple is currently 44-ft above the ground. The 50-ft tall free standing cross is proposed to replace the existing steeple as part of the Church’s new expansion and look.

The site is primarily surrounded by the Anson PUD as a residential use as seen in the site location map to the right.




Elevations of the proposed 50’ cross in relation to the building and existing steeple which will be removed is below:



Requested Variance

Omit the requirement that a non-residential structure within the R-1 zoning shall be no higher than 25 feet.

UDO, Chapter 2.2 Low-Density Single- Family Residential

Development Standards						
		Single-family Residential	Two-family Residential	Multi-family Residential	Mobile Home Parks	Non-residential
Structure Standards						
Maximum height of buildings		35				25
Minimum ground floor area	One-story	1,200			1,000	
	Multi-story	900				
Minimum structure size	Minimum width					
	Minimum length					
Minimum primary structure width		18			12	
Minimum primary structure length					70	
Minimum distance between dwelling units						
Minimum distance between all structures					10	

Decision Criteria

Per the Zoning Ordinance, *Section X.C.5.a(3)* the Board of Zoning Appeals shall use the following three decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests:

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community.

"The proposed Cross is simply a religious vertical element, similar to a steeple, and a symbol key to the worship of Jesus Christ and Christianity. The requested height is necessary for the cross to be visible and identifiable in the proper proportions to the public above the roofline of the church building, especially as viewed from the North by those traveling South on Main St. The proposed Cross is setback a considerable distance from the right-of-way/property line due to the proposed right-of-way widening on Main St."

2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner.

"The proposed Cross-religious vertical element is an updated replacement for the existing steeple. The proposed cross is several hundred feet from the nearest adjoining property or adjacent residence, with the closest adjoining property in proximity of the proposed cross being directly across the street to the East. The separation is so great because the New Hope property is over 40 acres. (see site plan exhibit)"

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variances are sought.

"In our opinion, the proposed Cross-religious vertical element is in reality the same or innately similar to religious "spires and steeples" that are excepted from height restriction and replacement according to Section 4.7C of the Whitestown UDO, but not specifically referenced by those terms, so therefore has been interpreted to be an Accessory Structure under the ordinances by the Planning Dept., In applicant's opinion, our request is so specific to this instance, that a negative precedent will not be set by approval of this variance request."

Staff Comments

The proposed cross is 50-ft in height and is classified as an accessory structure. Under Section 4.7.C of the UDO, any spire or church steeple may be changed to any height that is not otherwise prohibited. The Whitestown UDO would allow if the old steeple was to be altered to reflect this 50-ft height.

4.7.C Structure Height: All buildings hereafter shall comply with the height regulations of the district in which it is located, with the exception of the following:

1. An agricultural structure may be erected or changed to any height necessary for its operation.
2. Spires and church steeples may be erected or changed to any height that is not otherwise prohibited.

The proposed structure is not considered a steeple or church spire, therefore only fits the allowed accessory structure height in Chapter 2.2 Low-Density Single-Family Residential. The site is located primarily in a residential use area and an average height of two-story homes. Eagle Church is located directly across the street. The Holiday Inn Express and Hampton Inn hotels are located just south of this site-both are four stories high.

This accessory structure is going to replace the existing steeple. The height of the roofline of the building without the existing steeple is 24'-6".

Staff Recommendation

Staff recommends that the Board of Zoning Appeals **do not approve** the requested variance to allow a non-residential structure to exceed the maximum height of 25 feet as listed in the Whitestown UDO for the R-1 zoning district. Staff is supportive of a variance for an accessory structure not to exceed 35 feet in height.